

020026

10/687,478

### REMARKS/ARGUMENTS

Claims 1-12, 15-24, 26, 33, and 38-55 remain pending in the application. In this response, no amendments have been made, no claims have been canceled, and no new claims have been added. Applicant respectfully submits claims 1-12, 15-24, 26, 33, and 38-55 for further examination, reconsideration, and allowance.

Applicant submits herewith the declaration of Douglas N. Rowitch to overcome the primary reference. Since all rejections relied upon this primary reference, applicant submits that the claims are now in condition for allowance.

It clear from the office action that U.S. Publication 2004/0043726 to Rowitch is the primary reference. Claims 1-7, 11, 12, 15, 16, 39-45, and 49-55 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication 2004/0043726 to Rowitch, and claims 8-10 and 46-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rowitch in view of U.S. Publication 2004/0176099 to Sahai et al. Without the Rowitch reference the remaining reference does not show all elements of the pending claims, nor does it render applicant's claimed invention obvious.

The sole inventor of the Rowitch reference is Douglas N. Rowitch, who is a joint inventor of the present application. The attached declaration shows unequivocally that Mr. Rowitch conceived or invented the subject matter disclosed in that patent publication, and therefore pursuant to MPEP §§715.01(a) and 716.10, this declaration overcomes the rejection.

In view of submission of the declaration to overcome the primary reference, and because there are no other pending issues, Applicant submits that all pending claims are in condition for allowance, and applicant respectfully requests timely allowance of all pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

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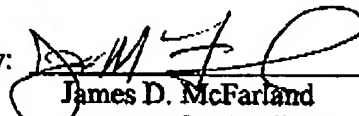
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If any fees are due in connection with the filing of the response, or a credit is due, please charge the fees to our Deposit Account No. 17-0026.

Respectfully submitted,

Dated: February 14, 2006  
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